

SUPERIOR COURT BERGEN COUNTY
FILED**FILED**

APR 28 2004

APR 28 2004


DEPUTY CLERKCHARLES J. WALSH
J.S.C.IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTYSUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-7718-03 MT
CASE CODE 240

APPLICABLE TO ALL CASES

**ORDER REGARDING GROUP II
QUALIFYING ECHOCARDIOGRAMS**

THIS MATTER having been opened to the Court by counsel at the Discovery Conference on April 16, 2004, and the Court having heard the statements of counsel on the record, and good cause having been shown,

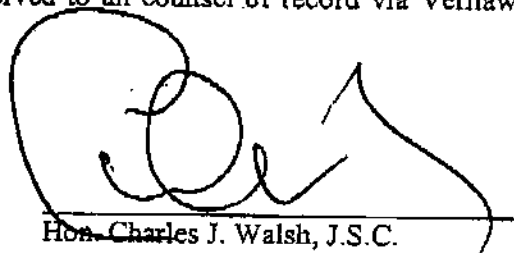
IT IS on this 28th day of April, 2004, ORDERED AS FOLLOWS:

1. By April 20, 2004, Wyeth shall post on Verilaw a draft Group II Qualifying Echocardiogram Chart listing, for each Group II plaintiff, the "qualifying" echocardiogram(s) upon which Wyeth believes plaintiff is relying to assert a right to exercise an Intermediate Opt Out ("IOO") or Back End Opt Out ("BEOO") right under the Nationwide Class Action Settlement Agreement ("CAS").
2. No later than April 26, 2004, Group II plaintiffs shall advise Wyeth in writing, served via Verilaw, of any corrections to the draft Group II Qualifying Echocardiogram Chart.
3. By April 29, 2004, Wyeth shall file with the Court and serve via Verilaw a final Group II Qualifying Echocardiogram Chart listing the qualifying echocardiograms upon which Group II plaintiffs are relying to assert a right to exercise an IOO or BEOO right under the CAS.

4. Thereafter, the echocardiograms listed in the final Group II Qualifying Echocardiogram Chart shall be deemed to represent the qualifying echocardiograms upon which Group II plaintiffs rely to exercise IOO or BEOO rights under the CAS, and all eligibility challenges shall be predicated on those echocardiograms.

5. Nothing in this Order shall be deemed to waive Wyeth's rights to file motions seeking to remove plaintiffs from Group II or for the imposition of other sanctions on the grounds that Wyeth has been unable to obtain qualifying echocardiogram reports and tapes in a timely fashion.

6. A copy of this Order shall be served to all counsel of record via Verilaw upon receipt.

A handwritten signature in black ink, appearing to be 'CJ Walsh', written over a horizontal line.

Hon. Charles J. Walsh, J.S.C.